



5 useful tips for Family Law mediation

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In Family Law, mediation is a tool widely used by the legal profession to encourage parents or former partners to develop solutions to their dispute without having to go to trial.

We've developed 5 useful tips for you to prepare for your next mediation. Mediation can still be a stressful process, however with these 5 tips, you will be well equipped to have a successful mediation

1. Seek legal advice before mediation

Seeking legal advice, if you haven't already done so, will allow you to know your rights at mediation and more importantly, your lawyer will be able to guide you in understanding the full effect of any proposed offer by the other party.

Additionally, after looking into the unique circumstances of your case, experienced family lawyers will be able to provide you with an *acceptable range* of offers which you might expect to receive if the matter was to be decided by a Judge.

This is vital as you might have undervalued or overvalued your contributions to the relationship. For example, you might expect to have only 20% of the assets in the property pool when realistically you would be entitled to 55%.

1. Know what you want achieve

Before attending mediation, it is important to know exactly what you want to achieve. When you make a list of what you want, you should prioritise the items on the list. This is so that when an offer is proposed, you are in a position to consider the offer objectively and assess it against what you wanted originally.

You will then be able to counter the offer with what is important to you and make concessions for issues which are maybe not as important to you.

1. Control your emotions at mediation

It is understandable that this is an emotional time and you will be feeling stressed, anxious, nervous, angry and a myriad of other feelings. What is important at mediation, is that you do not allow for these feelings to take over and deter the main purpose of the mediation – to come to an agreement without the intervention of a court.

No doubt you will feel emotions of anxiety and nervousness while waiting for the mediator to return and provide good news after you have proposed an offer or counteroffer. However, this won't happen early on in the day, so be prepared to go through a few rejections and emotional rollercoasters, before you are able to reach an agreement. Do not get disheartened; rather continue with the process and see it through to the end.

If you feel your emotions are too overwhelming, you should request a 10 minute break so that you can go outside, get some fresh air, gather your thoughts and regroup.

1. Be prepared to compromise

If one party is not ready to compromise or to make concessions while negotiating, it is extremely unlikely that the matter will be resolved at mediation. This just causes more frustration between the parties as they feel they have wasted their time, money and energy to attend mediation.

In order to alleviate this issue, you can prepare for mediation by brain storming ideas or solutions to move past the sticking points. In essence, how well your mediation goes will depend on how much each party is willing to compromise.

Of course, neither party should compromise to the extent that they would not be able to live with the proposed [consent orders](#).

Ultimately, having legal representation will allow you to evaluate the benefits of having your matter resolved now or having the uncertainty of trial in the future.

In the majority of cases, the mediator will usually be able to get parties to within 85-90% of what each party offered. So, if you are in this situation, you can determine if the extra 10-15% is worth going to trial for. Usually it is not, after taking legal costs into consideration.

1. Attend mediation with an open mind

It's very important to attend mediation with an open mind and not be solely focused on only what you want.

Knowing what you want is important for the reasons outlined above. However, don't let this take you away from your objective – having the matter resolved at mediation rather than going through the stress and added expense of a trial.

So be open to new proposals or '*out of the box*' solutions. Every matter is unique and we can't resolve every matter the same way. Therefore, attending mediation with an open mind while knowing what you want will place you in a good position for achieving a resolution at mediation.

As mentioned in my previous article, “[Minimising costs in Family Law disputes](#)”, mediation is a wonderful process to ensure that there are still some financial resources left in the property pool for the parties to share.

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If you require assistance with your family law matter, we recommend you contact the relevant Law Society in your State or Territory for a referral:

- **Queensland:** [1300 367 757](#)
- **NSW:** [02 9926 0333](#)
- **Victoria:** [03 9607 9311](#)
- **Tasmania:** [03 6234 4133](#)
- **South Australia:** [08 8229 0200](#)
- **Western Australia:** [08 9324 8600](#)
- **Northern Territory:** [08 8981 5104](#)
- **ACT:** [02 6274 0300](#)

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